

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**THEODORE WILLIAMS, LOCKETT
WILLIAMS MORTUARY, INC., RICKY
AUGUST, LASHA AUGUST, JONATHAN
AUGUST, RICHMOND-AUGUST FUNERAL
HOME, LLC, EDDIE HARTWELL, HARTWELL
& FAMILY FUNERAL HOME, LLC, ANTHONY
MARSHALL, GINA MARSHALL, MARSHALL
FUNERAL HOME, INC., PAMELA DICKEY,
DICKEY BROTHERS MEMORIAL FUNERAL
HOME, LLC, HELEN EVANS AND J. T. HALL
FUNERAL HOME, INC.**

PLAINTIFFS

V.

CIVIL ACTION NO. 1:16-CV-266-KS-MTP

**GARY HARGROVE, in his individual capacity
and his official capacity as CORONER OF
HARRISON COUNTY, Mississippi,
the HARRISON COUNTY BOARD OF SUPERVISORS,
UNKNOWN EMPLOYEES OF THE
CORONER OF HARRISON COUNTY,
UNKNOWN EMPLOYEES OF THE
HARRISON COUNTY BOARD OF SUPERVISORS, and
UNKNOWN EMPLOYEES OF HARRISON COUNTY**

DEFENDANTS

**MOTION TO EXCLUDE THE PROPOSED EXPERT TESTIMONY OF RICHARD T.
CAMPBELL, PH.D. AND AND JOHN M. GALE, PH.D**

Comes now the Defendants, GARY HARGROVE, in his individual and official capacity as Coroner of Harrison County, HARRISON COUNTY, MISSISSIPPI and the BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI and moves to Exclude the Plaintiffs' Proposed Expert Testimony of Richard T. Campbell, Ph.D., and John M. Gale, Ph.D, as being inadmissible under Rule 702 of the Federal Rules of Evidence, to-wit:

I.

Defendants move to exclude any testimony or opinions of the Plaintiffs' Proposed Experts both Richard T. Campbell, Ph.D., and/or John M. Gale, Ph.D. In summary, both experts' proposed opinions and testimony thereon are based solely on improper and inadmissible evidence in form of alleged 2012 through 2016 Coroner's File Spreadsheets or Appendices prepared by unknown and unidentified persons; additionally, Campbell's and Gale's opinions are based upon mere "possibilities" and not probabilities; and there are serious concerns about the usefulness and validity of both of said experts' conclusions or opinions. The Defendants incorporate by reference their Memorandum Brief in Support of Motion to Exclude the Proposed Expert Testimony of Richard T. Campbell, Ph.D., and John M. Gale, Ph.D. filed herein.

Defendants attach hereto the following Exhibits in support of this Motion:

Exhibit A - Supplemental Report of Richard T. Campbell, Ph.D. without attachments;

Exhibit B - 2012 Coroner Files Spreadsheet;

Exhibit C - Deposition of Campbell (Excerpts);

Exhibit D - Supplemental Report of John M. Gale, Ph.D.;

Exhibit E – Excerpts from Coroners Files 12-0001 to 12-0006 (redacted to protect identities-confidential info.);

Exhibit F – August 10, 2017 Email re Identity And Depositions Of Spreadsheets Creators.

WHEREFORE, PREMISES CONSIDERED, Defendants, GARY HARGROVE, in his individual and official capacity as Coroner of Harrison County, HARRISON COUNTY, MISSISSIPPI and the BOARD OF SUPERVISORS OF HARRISON COUNTY, MISSISSIPPI and move to Exclude the Plaintiffs' Proposed Expert Testimony of Richard

T. Campbell, Ph.D., and John M. Gale, Ph.D, as being inadmissible under Rule 702 of the Federal Rules of Evidence.

So moved, this the 16th day of October, 2017.

GARY HARGROVE, in his individual and official capacity, Defendant

BY AND THROUGH ITS COUNSEL OF RECORD

OWEN, GALLOWAY & MYERS, P.L.L.C.

By: /s/ DANIEL T. SEAWELL (MSB# 105149)

And

HARRISON COUNTY BOARD OF SUPERVISORS, and HARRISON COUNTY, MISSISSIPPI, Defendants

BY AND THROUGH ITS COUNSEL OF RECORD

BOYCE HOLLEMAN AND ASSOCIATES

By: /s/ Tim C. Holleman

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CERTIFICATE OF SERVICE

I, Tim C. Holleman, do hereby certify that I have on this date filed the above and foregoing document using the electronic filing system using the ECF filing system, which has caused a copy of the same to be served on all counsel of record.

This the 16th day of October, 2017.

/s/ Tim C. Holleman

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